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12  
13 UNITED STATES DISTRICT COURT  
14 CENTRAL DISTRICT OF CALIFORNIA

15 \* \* \* \* \*

16 UNITED STATES OF AMERICA, ) CASE NO. 2:24-CR-00091-ODW  
17 )  
18 Plaintiff, ) **DECLARATION OF RICHARD A.**  
19 ) **SCHONFELD IN SUPPORT OF**  
20 ) **DEFENDANT'S NOTICE OF**  
21 ) **MOTION AND MOTION *IN***  
22 v. ) ***LIMINE* TO PRECLUDE ANY**  
23 ) **REFERENECES TO**  
24 ) **DEFENDANT'S**  
25 ALEXANDER SMIRNOV, ) **LAWFULLY OWNED**  
26 ) **FIREARMS [ECF 146 FIRST**  
27 ) **MOTION IN LIMINE FILED BY**  
28 Defendant, ) **DEFENDANT]<sup>1</sup>**

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<sup>1</sup> A Declaration was not submitted with the Motion; however, the deadline for Motions in Limine is November 1, 2024, and therefore this Declaration is timely filed.

**DECLARATION OF RICHARD A SCHONFELD**

I, Richard A Schonfeld, declare as follows:

1. I am an attorney of record for Defendant Alexander Smirnov in the above-captioned case. I have personal knowledge of the matters contained in this declaration, and, if called as a witness to testify, I would competently testify to them. This declaration is offered in support of the Defendant's first filed Motion in Limine to Preclude Any References to Defendant's Lawfully Owned Firearms (DKT 146).

2. On October 22, 2024, counsel for Mr. Smirnov sent counsel for the government an email seeking the government's position on this motion. The government opposes the motion, stating "While we do not intend to introduce the seizure of the guns in our case in chief at this time, we reserve the right to do so to establish, among other things, that items seized from the defendant's residence belong to him. If you do not intend to challenge whether evidence seized from the defendant's residence belongs to him, we believe we can reach a stipulation that we will not introduce the firearms at trial."

This response, would necessitate the Defendant stipulating to unidentified evidence that the Government suggests it will attempt to introduce at trial, in order for the government to agree not to present irrelevant and highly prejudicial

1 evidence of lawfully possessed firearms. There should be no condition on the  
2 exclusion of the evidence at issue.

3  
4 3. The Defendant will suffer prejudice if this Motion in Limine is denied, and  
5 the government is permitted to introduce evidence of the Defendant lawfully  
6 possessing firearms, as such evidence is irrelevant under Federal Rule of Evidence  
7 401, inadmissible under Federal Rule of Evidence 402, and would cause unfair  
8 prejudice under Federal Rule of Evidence 403.  
9

10 Executed this 1st day of November, 2024, in Las Vegas, Nevada.

11  
12 Respectfully Submitted:

13 CHESNOFF & SCHONFELD

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16 RICHARD A. SCHONFELD